

**SNOHOMISH COUNTY  
Charter Review Commission**

**Wednesday June 28, 2006  
First Floor Meeting Room  
County Administration Building East  
Everett, WA**

**Commission Members Present:** Gail Rauch, Ryan Larsen, David Simpson, Jim Kenny, Eric Earling, Wendy Valentine, Diane Symms, Rick Ortiz, Mark Bond, Christine Malone, and Kim Halvorson.

**Commission Members Excused:** Mike Cooper, Kristin Kelly, Rene Radcliff Sinclair, and Barbara Cothern Hawksford.

Eric Earling will be acting as Chair for this meeting in the absence of Mike Cooper.

**Staff Present:** Steve Reinig, Rich Davis, and Allena Olson.

**Others in Attendance:** Evelyn Spencer, Grant Heppenstahl, Carolyn Diepenbrock, and Ed Moats.

**Call to Order:** Chair Earling called the meeting to order at 6:31 p.m.

**Approval of Agenda:** Chair Earling made an adjustment to the agenda, putting the discussion of issues #17, 24, & 48 before the discussion of issue #30.

**ACTION:** Commissioner Ortiz made a motion to approve the agenda as amended. Commissioner Simpson seconded the motion and all commission members present unanimously approved it.

**Approval of Minutes:** Corrections were made to notes of June 21 regarding the incorrect name of an individual.

**ACTION:** Commissioner Simpson made a motion to approve the minutes as corrected. Commissioner Ortiz seconded the motion, and all commission members present.

**Approval of Vouchers:** **ACTION:** Commissioner Simpson made a motion to approve the vouchers submitted, totaling \$269.81. Commissioner Kenny seconded the motion, and all commission members present unanimously approved it.

**Public Comment:** Carolyn Diebenbrock spoke on behalf of the Auditor's office. Ms. Diepenbrock stated that the county laws on this issue currently stand in opposition to the state laws. She spoke on the proposed changes suggested by the County Auditor Bob Terwilliger, which are stated in the briefing paper handed out by staff.

Evelyn Spencer spoke on the proposed change to section 4.60 that deals with the districting committee. Ms. Spencer stated she had a problem with the proposed change that would shorten the timeline from sixty days to thirty. She stated if this change were to happen that language should be added that refers to a central committee or executive board to allow the parties to meet the guidelines of the shortened timelines.

**Chair's Comments:** Chair Earling stated deliberation on the ballot language for the issues should start on the 12<sup>th</sup> of July. He also stated that the county council has made it known that they would like things wrapped up, and the last meeting to be on August 2<sup>nd</sup>, however legally the Commission has until August 9<sup>th</sup>.

**New Business:** ACTION: Commissioner Symms made a motion to bring issue #39 Imminent Domain, back to the table for more discussion. Commissioner Rauch seconded the motion.

DISCUSSION: Commissioner Symms stated this issue is big all over the county. She stated the results from survey monkey on this topic, and that with the public's interest and support Snohomish County has the opportunity to be one of the first to address this issue.

Commissioner Kenny stated he is in opposition of the motion. He reminded the commission of the votes taken on earlier dates: on May 24<sup>th</sup> the issue failed to move forward with a 5 to 9 vote. Commissioner Kenny stated on April 19<sup>th</sup> Prosecutor Ellis spoke to the commission and stated that this was not a problem in Washington because the State Constitution provided greater protections for private property than the Federal Constitution

Commissioner Bond stated that he is in support of the motion. He stated he sees no harm in adding safeguards that would protect the public. He stated this issue seems to be a big "water cooler" issue and by bringing this up they may bring more people in to get involved.

Commissioner Symms responded to the Commissioner Kenny's statement by reminding the commission that Council members spoke in favor of this issue being looked at.

Commissioner Larsen stated he would oppose this motion. He stated it was his feeling that if legal council were consulted they would advise that if this issue were addressed by that county it would be redundant and unnecessary, being it is already covered at the state level.

Chair Earling asked Rich to address this issue. He reminded the commission that he had asked the prosecuting attorney a question regarding this issue when she had spoke to the Commission in Monroe and she had replied that she was unable to answer.

Rich said that both the state and federal government state that it is unlawful for the government to take private property with out proper compensation, and if they do acquire such property it must be for public use. Rich stated that there is clearly protection at the state level and a large amount of case law regarding this subject and that anything the county added would be added to well established law.

Commissioner Symms read a statement on blighted areas...

Commissioner Rauch stated she was in favor of the motion, because she would like more information on the topic.

Chair Earling stated he was in favor of the motion. He stated he believes that it is a “water cooler” issue, it is important to the public, and research could be done on the options available.

**ACTION:** The commission voted on the motion, and the motion failed.

**Issue Debate:** #17, 24, & 48 Election Issues. A briefing paper was presented on this issue. Within the paper is the proposed changes that would bring the Charter in compliance with state law, as provided by the County Auditor Bob Terwilliger. Also included are the definitions of both a major and minor political party.

Commissioner Valentine asked where the new timeline of 30 days came from. She said she felt that this was a rapid time frame.

Steve replied that this cut in the timeline is so that they can get the redistricting finished in time for the primary.

Commissioner Valentine stated she was struggling with the ideas of the parties. She stated she believes that if there was more time to research and get information there would be better representation.

Carolyn stated as it stands the primary is set for the third Tuesday of August, and this cuts into the redistricting committee project and that is why the timeline was cut from 60 to 30 days.

Commissioner Rauch asked Carolyn if minor parties had a central committee.

Carolyn replied that they did not.

Commissioner Valentine stated she thinks redistricting should be done by people who know what they are doing and she doesn't feel that 30 days is enough time.

Commissioner Earling stated it was his experience that the parties have an idea of who they want on their “expert” team some time before hand.

Commissioner Rauch asked if other counties would have a 30 day timeline or if they would keep having 60 days.

Carolyn replied she did not have information on that.

Commissioner Kenny stated he didn't know if the 30 day timeline would be an issue. He said that they are really talking about 2012, when the political parties in the County will be reorganizing in December of 2011 or January of 2012. The parties will have time to organize for the redistricting committee. Commissioner Kenny stated as it stands now it is written that the 2 major political parties will select the committee members but what will happen if in 2012 there are more than 2 major political parties, then how will the committee be formed.

Carolyn replied that situation would have to be addressed sometime in that future.

Commissioner Kenny asked how they would approach that situation.

Carolyn replied the language on the committee formation could be easily changed, and most likely it would be worded so that each major party would have equal representation.

**ACTION:** Commissioner Larsen made a motion to move the issue forward with the recommended changes from the Auditor, and for ballot language to be prepared. Commissioner Symms seconded the motion.

**DISCUSSION:** Commissioner Kenny asked if legal counsel would draw up and research other language as well.

Rich replied that he would.

Commissioner Valentine asked if by moving this forward they would simply be doing more research or if they would be putting it on the ballot.

Chair Earling replied this motion would simply move the issue forward for legal council to gather more information, and there would be a vote in July as to whether the issue would be on the ballot or not.

Chair Earling replied that the vote that would decide if the issue would go onto the ballot or not would be sometime later in July and this would only move it forward to gather more information.

**ACTION:** The Commissioners voted on the motion. The motion passed with a unanimous vote.

**Issue #30 Signing Authority for Department Heads.** A briefing paper presented on this issue based on a memo written by Steve. Earlier this year staff prepared a background paper on grants management in Snohomish County that described the grant writing and approval processes. The Commission is now ready to debate whether the Charter should directly address the issue of assigning contract signing authority to elected department heads.

Chair Earling recommended to the other commissioners that based on the fact that the County Council could address this issue, he feels that it should be addressed in the transmittal letter rather than the ballot.

**ACTION:** Commissioner Larsen made a motion to put issue #30 in the transmittal letter sent to the Council. Commissioner Bond seconded the motion, and all commission members present unanimously approved it.

**Roundtable Discussion:** Chair Earling stated that this roundtable discussion was meant for discussion and to answer any questions about topics that the Commissioners had not had answered. He mentioned that while this was not meant for motions there would be nothing stopping anyone from making one.

#### Ombudsman

Commissioner Simpson stated he thought the commission would be receiving follow up information on this topic, and then they would make a decision.

Chair Earling stated that all the follow up information has already been received. He then asked the Commissioners to consider whether or not they had a strong interest in moving forward.

Commissioner Valentine stated while she thought it was an important issue it seems to be snowballing. She stated she feels if citizens feel the need to have an ombudsman than it should be considered but otherwise it would be hard to support.

Commissioner Rauch stated cost is a big issue and the ombudsman is very costly. She stated she doesn't feel that we need another layer for the budget.

Commissioner Kenny stated he agreed that there was a cost issue, but at the same time the League of Women Voters was in favor of an ombudsman and ~~an~~ it would help alter any perceptions that the County government is out of touch with the people. He noted there is still no where to file a complaint with the County, on the website or otherwise, and while he is concerned about the cost he is also concerned with a process to address complaints about County government.

Commissioner Bond stated he doesn't feel that the ombudsman will make that significant of a difference. He continued, saying there was nothing proven that the ombudsman had the authority to do anything.

Commissioner Halvorson stated she opposed an ombudsman. She stated she feels that the elected officials work for the public and that an ombudsman hat is one of the many hats they should wear while on the job.

Commissioner Valentine stated that given the choice of increasing the size of the council or an ombudsman she would chose to have an ombudsman, but she feels that at this time they don't have enough information to make an educated decision.

Chair Earling stated he felt that this issue would be a logical choice for the transmittal letter instead of adding it to the ballot.

## Ballot Proposition & Single-Subject Rule

Chair Earling asked for insight from legal counsel on this subject.

Rich read the legal restrictions and stated the commission would need to think about a few things before they decided to bundle certain issues together. Is the title general or restrictive, the title of a ballot measure is important. The title determines what can be included in that ballot measure. Along with relating to the title all the bundled issues within the measure must be related in some way. Before anything gets onto the ballot it must go through the prosecuting attorney, so the sooner the ballot language is written the sooner it can be submitted to determine whether or not those items can indeed be bundled under a title.

Chair Earling reminded the commission of the issues that remain to be discussed and which ones had already moved forward for ballot language.

**Adjournment:** The meeting was adjourned at 7:45 p.m.

### **Minutes submitted by:**

Allena Olson

Recorder